Chhattisgarh State Electricity Regulatory Commission
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Petition No. 88 of 2025

In the Matter of:

Determination and truing-up of Energy Charge Rate for FY 2024-25 of 1370 MW coal based thermal power station of Adani Power Ltd. situated at Village-Raikheda, Block-Tilda, District – Raipur, Chhattisgarh.

M/s Adani Power Limited - Raipur TPP ... Petitioner

Vs

M/s Chhattisgarh State Power Distribution Co. Ltd. (CSPDCL) ... Respondent

Present: **Vivek Ganodwale, Member (Law)**
Ajay Kumar Singh, Member (Tech)

Appearance: Shri Avinash Anurag and Shri Amit Kumar Singh appeared for petitioner M/s Adani Power Ltd.

Shri Abhinav Kardekar (appeared online), Shri Ayush Solanki, Counsels and Shri Biplab Dutta, EE for respondent CSPDCL

ORDER

(Passed on 12/11/2026)

This order is passed in Petition filed by M/s. Adani Power Limited – Raipur TPP (M/s APL) under the provisions of Section 62, 86 (1) (a) of the

Electricity Act, 2003, for determination of energy charge rate of power supplied to Chhattisgarh State Power Distribution Company Limited (CSPDCL) during FY 2024-25 at variable cost from its 1370 MW coal based thermal power plant situated at Village - Raikheda, Block - Tilda, District – Raipur, Chhattisgarh.

2. Petitioner has sought following reliefs:

i. Approve the Energy Charge Rate @Rs. 3.171/kWh for FY 2024-25, for supply of five (5%) of Power from 1370 MW coal based TPP of Adani Power Limited- Raipur TPP, Raipur, Chhattisgarh to CSPDCL under the PPA dated 08.07.2020.

ii. Approve reimbursement of water charges, electricity duty and WRLDC fees & charges from CSPDCL as pass through to the extent of 5% share of CSPDCL over & above the Energy Charge Rate as pleaded in Present Petition.

iii. Allow the recovery of the application filing fees and publication expenses the beneficiary as prayed in petition.

iv. Pass such further and other orders, as the Commission may deem fit and proper keeping in view the facts and circumstances of the case.

3. Important dates in relation to disposal of this petition have been listed below:

Table 1: List of important dates

S. No.	Particulars	Date
1	Filing of Petition	24.11.2025
2	Admittance of Petition	27.11.2025
3	Issue of 1st data gaps	24.02.2026
4	Reply received from the Petitioner with regard to 1st data gaps	22.04.2026
5	Public hearing notice published in newspaper	29.09.2026

6	Technical Validation Session (TVS)	06.10.2026
7	Public hearing	07.10.2026
8	Issue of 2nd data gaps	24.09.2026
9	Reply received from the Petitioner with regard to 2nd data gaps	05.10.2026
9	Issue of 3rd data gaps	16.10.2026

4. The Respondent, CSPDCL has submitted objections to the Petition on 04.08.2026 and the Petitioner has submitted the Rejoinder to the same on 15.10.2026.

Determination of variable cost (Energy Charge Rate)

5. In this order, tariff has been computed in accordance with provisions of the CSERC MYT Regulations 2021 which is applicable for control period from FY 2022-23 to FY 2024-25 as the same is applicable for FY 2024-25.

6. Clause 45.5 of MYT Regulations, 2021 specifies methodology and principle for determination of energy charge rate of thermal power generating stations. The same has been followed for determining energy charge rate for the aforesaid power plant. The relevant portion of Regulations is reproduced below:

> ***"45.5. The energy charge shall cover the fuel cost (primary fuel as well as secondary fuel), and shall be payable by every beneficiary for the total energy scheduled to be supplied to such beneficiary during the calendar month on ex-power plant basis, at the energy charge rate of the month. Total Energy charge payable to the generating company for a month shall be:***
>
> ***(Energy charge rate in Rs./kWh) x {Scheduled energy (ex-bus) for the month in kwh.)***

Energy charge rate (ECR) in Rupees per kWh on ex-power plant basis shall be determined up to three decimal places in accordance with the following formulae for coal-based stations:

ECR: [{(GHR- SFC x CVSF) x LPPF/ CVPF}+ SFC x LPSFi] x 100 /(100- AUX)

Where,

AUX : Normative auxiliary energy consumption in percentage.

CVPF=(a) Gross calorific value of primary fuel as received at generating station, in kCal per kg, per litre or per standard cubic meter, as applicable after prudence check.

Provided where arrangements for taking samples for 'as received basis' is not in place, GCV of coal as received may be computed from GCV of coal "as billed"

Adjustment for total moistures shall be computed as per the CERC formula given as under:

GCV x (l-TM) (1-IM)

Where, GCV = Gross calorific value of coal TM = Total Moisture

IM : Inherent Moisture

Weighted Average Gross calorific value of coal as received, in kCal per kg for coal-based stations less 85 Kcal/kg on account of variation during storage at

generating station;

Provided that at the time of true-up the GCV of coal on account of variation during storage at generating station shall be allowed at maximum value of 85 Kcal/kg.

In case of blending of fuel received through different sources, the weighted average Gross calorific value of primary fuel shall be arrived in proportion to blending ratio;

CVSF : Calorific value of secondary fuel, in kCal per ml. ECR : Energy charge rate, in Rupees per kWh sent out. GHR : Gross station heat rate, in kCal per kWh.

LPPF : Weighted average landed price of primary fuel, in Rupees per kg, per litre or per standard cubic meter, as applicable, during the month.

Provided that, in case of blending of fuel from different sources, the weighted average, landed cost of the primary fuel shall be arrived by considering the blending ratio.

Provided that, in case of primary fuel supply from integrated mines, the cost of fuel shall be computed in accordance with the regulations notified by CSERC. In the absence of State regulation, regulation notified by CERC shall be adopted. SFC= Specific fuel oil consumption, in ml per kWh.

LPSFi: Weighted Average Landed Price of Secondary Fuel in Rs./ml considered Initially."

Parameters for determination of Energy Charge Rate

Auxiliary Energy Consumptions (AUX)

Petitioner's Submission

7. In the petition, the Petitioner has computed normative ECR considering Normative Auxiliary Energy Consumption as 7.75% in accordance with Regulation 43.5 of CSERC MYT Regulations, 2021 as plant being electrical driven boiler feed pump. The Petitioner has considered actual auxiliary energy consumption of 9.77% for computation of actual ECR for sharing gains/losses.

Respondent's Submission

8. The Respondent has submitted that the Petitioner has considered the normative Auxiliary Energy Consumption as provided under the MYT Regulations, 2021 for determination of ECR. However, in its additional submissions, the Petitioner has reported actual auxiliary energy consumption of 9.77%. Accordingly, the Respondent has requested the Commission to consider the normative Auxiliary Energy Consumption as specified under the MYT Regulations, 2021, for computation of ECR.

Commission’s View

9. In reference to the contention of M/s CSPDCL, it is pertinent to mention here that while disposing the present petition, the Commission has to determine two ECRs (i) normative ECR and (ii) actual ECR so as to share the gains/losses between generator and beneficiary in accordance with the CSERC MYT Regulations, 2021. Therefore for computation of final ECR, the Commission has to consider normative Auxiliary Energy Consumption and actual Auxiliary Energy Consumption both. Thus, contention of CSPDCL has no merit.

10. In view of the above, the Commission has considered normative Auxiliary Energy Consumption 7.75% in accordance with the Regulation 43.5 of CSERC MYT Regulations, 2021 for computation of normative ECR.

11. In the petition, petitioner M/s Adani Power Limited has submitted actual auxiliary energy consumption for FY 2024-25 is 9.77%. After prudence check, the Commission has considered the same for computation actual ECR.

12. Auxiliary Energy Consumption as submitted by petitioner and considered by the Commission is given in table below:

Table 2: Auxiliary energy Consumption

S. No.	Particular	Actual as submitted by the Petitioner	Normative as considered by the Commission	Actual as considered by the Commission
1	Auxiliary Energy Consumption (%)	9.77%	7.75%	9.77%

Gross Calorific Value of Primary Fuel (CVPF)

Petitioner's Submission

13. Gross Calorific Value of different coals on 'as received basis' as submitted by petitioner have been given in table below:

Table 3: Source wise GCV "as received basis"

S. No.	GCV for SHR Calculation	kCal	GCV on as received basis
1	Linkage Coal (MCL-FSA) Details	kCal	-
2	Linkage Coal (Shakti-FSA) Details	kCal	3,257
3	E-Auction	kCal	3,783
4	Special Auction Coal	kCal	-
5	Trader Coal	kCal	2,652
6	Imported Coal	kCal	4,376

14. Petitioner further submitted that Regulation 45.5 of CSERC MYT Regulations, 2021 provides for considering Gross calorific value of primary fuel as Weighted Average Gross calorific value of coal on 'as received basis' minus 85 kcal/kg on account of loss of GCV during storage at generating station. Therefore, the Petitioner has requested to consider CVPF after adjusting 85 kcal/kg on account of loss of GCV during storage for computation of Energy Charge Rate of FY 2024-25.

Respondent's Submission

15. Respondent submitted that the Petitioner has not provided the exact values pertaining to Gross Calorific Value of the coal procured from various sources. The Respondent has submitted that, although the Petitioner has sought consideration of GCV of coal on an "as received" basis, it has not furnished supporting data. Accordingly, the Respondent has requested that the Petitioner be directed to submit actual GCV values, source-wise and grade-wise details of coal procured, supporting records, and day-wise details of opening stock, receipts, consumption, and closing stock indicating the GCV of each lot/batch for prudence check and determination of the actual weighted average GCV for computation of ECR.

16. Further, with regard to the claimed normative loss of 85 kCal/kg in GCV during storage, the Respondent has requested that the Petitioner furnish actual GCV values at relevant stages along with supporting records and has contended that, if the actual loss is found lower than

85 kCal/kg, only such actual loss should be considered for determination of ECR.

Commission's View

17. In reply to the Respondent's submission regarding submission of documentary evidence and additional information related to Gross Calorific value (GCV) of coal, the Petitioner has submitted that the same has been furnished as additional information under affidavit on 21.04.2026.

18. In accordance with Regulation 45.5 of CSERC MYT Regulations, 2021, the Petitioner while computing weighted average CVPF, has deducted 85 kCal/kg from weighted average CVPF on 'as received basis', on account of storage loss. In additional information, the Petitioner has not provided actual CVPF on 'as fired basis' in the format provided by the Commission. Therefore, the Commission has not allowed any storage loss in CVPF. Accordingly, the Commission has considered CVPF as 3011.71 kCal/kg for computation of ECR in table given below:

Table 4: CVPF on 'As Fired basis' as approved by the Commission

Year	Unit	Petitioner's Submission	CVPF as considered by the Commission
FY 2024-25	kCal/kg	2,962.83	3,011.71

Calorific Value of Secondary Fuel (CVSF)

Petitioner's Submission

19. The Petitioner has submitted calorific value of secondary fuel as 10.094 kCal/ml for FY 2024-25.

Respondent's Submission

20. The Respondent has submitted that Petitioner has not submitted any documentary evidence in support of CVSF and therefore, requested that the Petitioner may be directed to file documents in support of the Gross Calorific Value of Secondary Fuel consumed in the relevant period for the determination of ECR. Further, it is requested that the Commission may direct the Petitioner to submit actual values of GCV of Secondary fuel as received by it and provide a daily data pertaining to usage of secondary fuel and further, conduct a prudence check of the same to arrive at the GCV of secondary fuel.

Commission's View

21. In reply to the Respondent's submission regarding the submission of documentary evidence in support of Calorific Value of Secondary Fuel (CVSF), the Petitioner has submitted that it has furnished documentary evidence of GCV of secondary fuel to the Commission on 06.10.2026 as additional information.

22. After prudence check of the secondary fuel bills, the Commission has considered calorific value of secondary fuel as 10.094 kCal/ml for FY 2024-25 for computation of energy charge rate.

Gross Station Heat Rate (GSHR)

Petitioner's Submission

23. The Petitioner has submitted that as per Regulation 3.26 of CSERC MYT Regulations, 2021, falls under category of an existing generating station as his plant has achieved commercial operation on

01.04.2016. Therefore, the petitioner in the petition, has considered normative GSHR as 2390 kCal/kWh for computation of the normative ECR for FY 2024-25.

24. Regulation 43.3(A) specifies that for generating stations of 300 MW and above, where the boiler feed pumps are electrically operated, the Gross Station Heat Rate shall be 40 kCal/kWh lower than the specified GSHR. Since petitioner's plant has achieved COD prior to 01.04.2022 and have electrically operated boiler feed pumps, the applicable Normative GSHR works out to be 2350 kCal/kWh (2390-40). Accordingly, the Petitioner has requested to consider the normative GSHR of 2350 kCal/kWh for computation of normative Energy Charge Rate (ECR) for FY 2024-25.

Respondent's Submission

25. Respondent submitted that the Petitioner has considered GSHR as 2195 kCal/kWh for computing ECR. Therefore, Respondent has requested the Commission to direct the Petitioner to provide the data related to GSHR and after prudence check, if the actual value of GSHR is found lower than the normative GSHR as specified in MYT Regulations, 2021, then the actual lower value of GSHR should be considered for computation of ECR.

Commission's View

26. In response to Respondent's submission regarding consideration of the actual Gross Station Heat Rate (GSHR) for energy charge rate computation, if it is lower than the normative value prescribed under the MYT Regulations, 2021, the Petitioner has submitted that it has already furnished the relevant data pertaining to actual value of GSHR vide affidavit dated 21.04.2026. The Petitioner has therefore requested the Commission to determine the Energy Charge Rate in accordance with provisions of CSERC MYT Regulations, 2021.

27. In reference to the contention of M/s CSPDCL, it is pertinent to mention here that while disposing the present petition, the Commission has to determine two ECRs (i) normative ECR and (ii) actual ECR so as to share the gains/losses between generator and beneficiary in accordance with the CSERC MYT Regulations, 2021. Therefore, for computation of final ECR, the Commission has to consider normative GSHR and actual GSHR both. Thus, contention of CSPDCL has no merit.

28. As per CSERC MYT Regulations, 2021, Petitioner's plant will fall under the category of 'existing generating station' as the plant has achieved COD on 01/04/2016. Regulation 43.3 of CSERC MYT Regulations, 2021, specifies GSHR of 2350 kCal/kWh for plant having capacity 500 MW and above having electrical driven Boiler feed pump (BFP). Hence, the Commission has considered normative GSHR as 2350 kCal/kWh for FY 2024-25. After prudence check of the information submitted by the Petitioner, the Commission has computed actual GSHR as 2,193.07 kCal/kWh for FY 2024-25, considering weighted-average GCV of the coal procured through all sources for FY 2024-25 for the purpose of sharing of gains/losses.

Table 5: Gross Station Heat Rate

S. No.	Particular	Unit	Petitioner's Submission	Normative as considered by the Commission	Actual GSHR as considered by the Commission
1.	Gross Station Heat Rate	kCal/kWh	2,193.07	2,350.00	2,193.07

Weighted Average Landed Price of Primary Fuel (LPPF)

Petitioner's Submission

29. The Petitioner has submitted actual weighted average landed price of primary fuel of Rs. 3.835/kg for FY 2024-25 and requested to the Commission to approve the same.

Respondent's Submission

30. The Respondent has submitted that the Petitioner has requested for consideration of mix of linkage coal, e-auction coal and coal procured from other sources for determination of LPPF.

31. Respondent has further submitted that as per recital clause (e) (iii) of the PPA dated 08.07.2020, the Petitioner is required to supply contracted capacity to Respondent using coal supply of linkage coal only. Petitioner has not provided the data of linkage coal procured by it. Therefore, only cost of linkage coal may be taken to determine the tariff of power being supplied by the Petitioner to the Respondent.

32. Further, CSPDCL has submitted that the Petitioner has included transit and handling loss of 0.8% for domestic coal in computation of LPPF without providing actual data for such losses. CSPDCL requested that the Petitioner be directed to provide the same and after prudence check, if the actual transit loss is lower than the normative transit loss as specified in MYT Regulations, 2021, than the actual transit loss should be taken for computation of final ECR.

Commission's View

33. In response to Respondent's submission regarding considering linkage coal for computation of ECR, Petitioner has submitted that there is no coal linkage allocated to the Petitioner for supply of obligated power to the Respondent. Therefore, the Petitioner has utilized coal received from sources other than linkage coal (Shakti scheme) i.e. e-auction, trader and imported coal for supplying 5% obligated power to the Respondent.

34. In the present Petition, Petitioner has considered coals procured through e-auction, open market and imported sources for computation of ECR. During prudence check, it is observed that Petitioner has removed coal received against Shakti scheme as the same was not allocated for supplying power to CSPDCL whereas forgot to removed proportionate quantity of obligated imported coal. Therefore, for computing LPPF, the Commission has also removed proportionate quantity i.e. ~84% of imported coal along with coal received against Shakti schemes. Accordingly, after prudence check, the Commission has computed actual LPPF as Rs. 3.665/kg as against Rs. 3.835/kg as submitted by Petitioner. Further, the Commission has computed the normative LPPF at Rs. 3.694/kg after considering 0.80% transit loss, as the quantity of coal purchased and the quantity of coal received were found to be the same.

Table 6: Coal details

Particular	Opening Stock as per Book (inclusive of In-transit stock)		Purchase as per bill		Received in Stock Yard	Consumption as per book		Closing Stock as per Book (inclusive of In-transit stock)	
	Qty in MT	Amount in Rs.	Qty in MT	Amount in Rs.	Qty in MT	Qty in MT	Amount in Rs.	Qty in MT	Amount in Rs.
Linkage Coal (MCL-FSA) Details									
Linkage Coal (Shakti-FSA) Details	290,838	988,147,530	5,152,385	15,861,637,035	5,152,385	5,377,502	16,695,152,839	65,721	154,631,726
E-Auction	3,990	12,601,909	303,507	1,182,834,122	303,507	304,195	1,186,407,526	3,302	9,028,506
Special Auction Coal	-	-	-	-	-	-	-	-	-
Trader Coal	133,267	720,886,082	539,833	1,632,027,505	539,833	671,186	2,349,734,498	1,914	3,179,089
Imported Coal	3,891	24,110,322	31,092	301,396,741	31,092	31,652	297,231,259	3,331	28,275,804
Other Ancillary Coal Cost	-	-	-	65,491,875	-	-	65,491,875	-	-
Total/Wt. Average	431,985	1,745,745,844	6,026,817	19,043,387,277	6,026,817	6,384,535	20,594,017,996	74,268	195,115,125

35. After prudence check, the Commission has considered the landed price of coal as Rs. 3.655/kg.

Table 7: Landed Price of Primary Fuel

S. No	Particular	Unit	As submitted by the Petitioner	As considered by the Commission
1.	Weighted Average Landed Price of Primary fuel	Rs./kg	3.835	3.655

Specific Fuel Oil Consumption (SFC)

Petitioner's Submission

36. The normative and actual specific fuel oil consumption as submitted by the Petitioner for FY 2024-25 is as given below:

Table 8: SFC as submitted by the Petitioner

S. No.	Particular	Unit	Normative SFC as submitted by petitioner	Actual SFC as submitted by petitioner
1.	Specific Fuel Oil Consumption	ml/kWh	0.50	0.20

Respondent's Submission

37. The Respondent has submitted that the Petitioner has considered the normative Specific Fuel Oil Consumption as provided under the MYT Regulations, 2021 for determination of ECR. The Respondent has further submitted that the Petitioner may be directed to furnish the actual Specific Fuel Oil Consumption and after prudence check, if actual SFC is found lower than the normative value specified under the MYT Regulations, 2021, then such lower actual SFC should be considered for computation of ECR. In its additional submission, the Petitioner has reported actual Specific Fuel Oil Consumption of 0.20

ml/kWh. Since the actual value is lower than the normative value, the Respondent has submitted that the actual SFC of 0.20 ml/kWh shall be considered for determination of ECR.

Commission's View

38. In response to the Respondent's submission that the Petitioner may be directed to furnish the actual Specific Fuel Oil Consumption, the Petitioner submitted that the actual value of Specific Fuel Oil Consumption has been submitted under affidavit on 21.04.2026.

39. Regarding the contention of the respondent that lower of the normative Specific Fuel Oil Consumption (SFC) and the actual SFC for computation of the Energy Charge Rate (ECR) should be considered, it is to mention that while disposing the present petition, the Commission has to determine two ECRs (i) normative ECR and (ii) actual ECR so as to share the gains/losses between generator and beneficiary in accordance with the CSERC MYT Regulations, 2021. Therefore for computation of final ECR, the Commission has to consider normative SFC and actual SFC both. Thus, contention of CSPDCL has no merit.

40. Accordingly, the Commission has considered normative secondary fuel oil consumption as 0.50 ml/kWh. Further, after prudence check, the Commission has considered the actual specific fuel oil consumption as 0.20 ml/kWh for the purpose of sharing of gains/losses. SFC as submitted by the petitioner and as approved by the Commission is given in table below:

Table 9: Secondary Fuel Oil Consumption

S. No.	Particular	Unit	Petitioner's Submission	Normative as considered by the Commission	Actual GSHR as considered by the Commission
1.	Secondary Fuel Oil Consumption	ml/kWh	0.20	0.50	0.20

Weighted Average Landed Price of Secondary Fuel (LPSFi)

Petitioner's Submission

41. In the petition, the Petitioner has considered weighted average landed price of secondary fuel as Rs. 0.06/ml for the FY 2024-25 for computation of ECR.

Respondent's Submission

42. It is submitted that Petitioner has not provided the data for the secondary fuel procured and data of utilization of secondary fuel for supplying power to Respondent and therefore, requested that the Petitioner may be directed to provide the same and thorough prudence check such data may be carried out.

Commission's View

43. In response to the Respondent's submission regarding submission of documentary evidence related to secondary fuel procured the Petitioner has submitted that the data has been submitted vide affidavit dated 21.04.2026.

44. The opening and closing stock of secondary fuel, is provided in the table below:

Table 10: Secondary fuel detail

Particular	Opening Stock		Purchase		Consumption as per book		Closing Stock	
	Qty in KL	Amount in Rs.	Qty in KL	Amount in Rs.	Qty in KL	Amount in Rs.	Qty in KL	Amount in Rs.
HFO	497	29,083,793	1,360.34	87,746,519	1,492.00	93,771,666	365	23,058,646
LDO	178	12,713,856	370	26,899,693	346.31	25,296,976	201	14,316,573
Total/Wt. avg	675	41,797,649	1,730	114,646,211	1,838	119,068,641	567	37,375,219

45. After prudence check of the information submitted by the Petitioner, the Commission has considered weighted average landed price of secondary fuel as Rs. 0.06/ml for FY 2024-25.

Table 11: Landed Price of Secondary Fuel

S. No.	Particular	Unit	As submitted by the Petitioner	As considered by the Commission
1.	Weighted Average Landed price of Secondary fuel	Rs/ml	0.06	0.06

Issue of considering transmission loss for computation of ECR

Petitioner's Submission

46. In the petition, the Petitioner has considered 0.8% transmission loss for computing ECR.

Respondent's Submission

47. The Respondent has submitted that the Petitioner has sought approval of transmission loss of 0.8% for calculation of ECR as the differential energy measured at the plant switchyard and at the CTU interconnection point, i.e., 400 kV Raipur Pooling Station at Madsera. The Respondent has further submitted that the Petitioner raises bills based on the energy recorded at the WRLDC boundary even though the energy received at the Chhattisgarh periphery is lower, thereby resulting in CSPDCL bearing the transmission loss. The Respondent has also submitted that PGCIL separately levies transmission charges on CSPDCL for procurement of power in terms of the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020, and therefore the cost of transmission is already being borne by CSPDCL.

Commission's View

48. In reply to the Respondent submission regarding consideration of transmission loss for computation of ECR, the Petitioner has submitted that he is entitled to claim transmission line loss for the energy supplied/scheduled to CSPDCL in addition to the energy charges for the scheduled energy as per the implemented schedule considered at the 400 kV Raipur Pooling Station at Madsera i.e. the CTU interconnection point. The Petitioner has further submitted that the Respondent is already paying transmission loss is not sustainable, as CSPDCL bears only the transmission loss occurring after the CTU interconnection point and not the transmission loss on the dedicated transmission line from the generating station to the CTU interconnection point.

49. As per CSERC MYT Regulations, 2021, the Commission has to determine Ex-bus ECR, therefore, the Commission has not considered transmission loss for computation of ECR in the present Petition.

Energy charge rate considering sharing of gains and losses:

50. Clause 11 of MYT Regulations, 2021 specifies controllable and uncontrollable factors which are as under:

> ***"11.1 For the purpose of these Regulations, the term "uncontrollable factors" shall comprise of the following factors, but not limited to, which were beyond the control of the applicant, and could not be mitigated by the applicant:***
>
> *(a)* ***Force Majeure events;***
> *(b)* ***Change in law,***
> *(c)* ***Judicial pronouncements,***
> *(d)* ***Fuel prices i.e. price of coal, oil and all primary-secondary fuel;***

(e) ***Sales mix and quantum of sales;***

(f) ***Cost of power purchase;***

(g) ***Costs on account of inflation;***

(h) ***Taxes and Statutory levies.***

11.2. For the purpose of these Regulations, the term "Controllable factors" shall comprise of the following:

(a) ***Capitalization on account of cost overruns in the implementation of a capital expenditure project not attributable to an approved change in scope of such project, change in statutory levies or circumstances beyond control of the generating company or the licensee, as the case may be.***

(b) ***Generation performance parameters like PLF, SHR, Auxiliary consumption, PAF etc;***

(c) ***Energy losses computed in accordance to Regulation 7 (d)Operation & Maintenance expenses;***

(d) ***Failure to meet the standards specified in the Standards of Performance Regulations, except where exempted;***

(e) ***Variation in Wires Availability and Supply Availability."***

Applicable MYT Regulations specifies mechanism for sharing of gains and losses on account of controllable factors. Accordingly, aggregate net gain on account of over achievement or aggregate net loss on account of under achievement in reference to the norms set in tariff order for efficiency linked controllable items shall be passed on to the beneficiary/consumer(s) and retained by the generating company as specified in applicable MYT Regulations or in any Order of the Commission passed under these Regulations. Energy Charge Rate considering for sharing of gains and losses is given in table below:

Table 12: Energy Charge Rate (ECR)

S. No.	Particular	Unit	FY 2024-25			
			Petitioner's Submission		Approved by the Commission	
			Normative	Actual	Normative	Actual
1	Aux	%	7.75	9.77	7.75	9.77
2	CVPF	kCal /kg	2962.83	2962.83	3,011.71	3,011.71
3	CVSF	kCal /ml	10.09	10.09	10.09	10.09
4	Transit loss	%	0.80	0.80	0.80	0.00
5	GSHR	kCal /kWh	2350.00	2193.07	2350.00	2193.07
6	LPPF	Rs. /Kg	3.835	3.835	3.684	3.655
7	SFC	ml/kWh	0.50	0.20	0.50	0.20
8	LPSFI	Rs./ml	0.06	0.06	0.06	0.06
9	**ECR (Ex-Bus)**	**Rs./kWh**	**3.326**	**3.158**	**3.144**	**2.961**
11	**ECR (after sharing of Gains and Losses)**	**Rs./kWh**	**3.214**		**3.022**	

Reimbursement of water charges

Petitioner's Submission

51. The Petitioner has submitted that in accordance with Regulation 40.5.2.2 of the CSERC Tariff Regulations, 2021, water charges shall be pass-through in tariff on reimbursement on actual basis. Accordingly, the Petitioner has prayed for reimbursement of water charges paid by the generating company to the extent of 5% share of CSPDCL.

Respondent's Submission

52. The Respondent has submitted that the Regulation do not provide that water charges are not a part of fixed cost and merely distinguish water charges from other components of fixed cost to the extent that

they are to be computed on actual basis instead of normative basis. The Respondent has further submitted that, even when determined on actual basis, water charges continue to form part of the fixed cost and, therefore, cannot be considered while determining power cost under variable charges. Accordingly, since the Respondent procures 5% power at variable charges, water charges, being a component of fixed charges, cannot be recovered from the Respondent and, therefore, should not be allowed.

Commission's View

53. In reply to the Respondent's submission regarding considering water charges as part of Annual Fixed Cost under the MYT Regulations and, therefore, not allowable separately, the Petitioner has submitted that actual water consumption is linked to electricity generation and is measured in m^3/MWh. The Petitioner has further submitted that the specific water consumption of thermal power plants is also benchmarked in m^3/MWh by the Ministry of Environment, Forest and Climate Change. Accordingly, water charges cannot be considered a component of Fixed Cost, as the same are levied by the Water Resources Department, Government of Chhattisgarh based on actual water consumption, which depends upon generation of electricity. Therefore, water charges are variable in nature and cannot be treated as a component of Fixed Cost. Therefore, the Petitioner has prayed to the Commission to allow water charges on reimbursement basis.

54. As per applicable MYT Regulations, statutory taxes, such as electricity duty, cess, water charges etc. shall be recoverable by the generating company on reimbursement basis. The beneficiary is required to pay water charges on actual basis. However, these charges shall be limited only to the proportion of quantum of power purchased by CSPDCL.

Reimbursement of electricity duty on auxiliary consumption and electricity duty on sale of electricity to Chhattisgarh state

Petitioner's Submission

55. The Petitioner requested the Commission to approve the reimbursement of Electricity Duty/Cess on auxiliary consumption & sale of electricity to CSPDCL or any other such levy by the State Government, which is actually paid by the generating company to the extent of 5% share of CSPDCL.

Respondent's Submission

56. Respondent has submitted that the Petitioner is supplying only 5% of net power (i.e. Gross power generated – Auxiliary Consumption) at variable cost to the Respondent herein. Thus, there is no component of auxiliary consumption in power supplied to Respondent herein and therefore, the Petitioner cannot claim any reimbursement of electricity duty on auxiliary consumption. Further, even in the PPA signed between the Petitioner and the Respondent herein, there is no provision that provides for reimbursement of electricity duty on auxiliary consumption and hence the same may not be allowed to be recovered from the Respondent.

Commission's View

57. In reply to the Respondent's submission regarding reimbursement of electricity duty and electricity duty on sale of electricity to Chhattisgarh state, the Petitioner has submitted that such charges are variable in nature, directly linked to generation and supply of power to CSPDCL, and are therefore payable separately on actual basis. The Petitioner has further submitted that the Commission, in its orders in

Petition Nos. 67/2020, 90/2023, 92/2023, 71/2024 and 72/2024, has already held that statutory taxes such as Electricity Duty are recoverable by the generating company on a reimbursement basis. The Petitioner has also submitted that the Commission has allowed reimbursement of Electricity Duty on auxiliary consumption and sale of electricity to Chhattisgarh in the cases of other generators supplying 5% of net generated power at variable cost, therefore, a similar approach ought to be adopted in the present case. Further, CSPDCL has already reimbursed the Petitioner towards electricity duty on auxiliary consumption and sale of electricity to Chhattisgarh. Therefore, the Petitioner has prayed that electricity duty on auxiliary consumption, electricity duty on sale of electricity to Chhattisgarh state shall be allowed on reimbursement basis.

58. As per the applicable CSERC MYT Regulations, 2021, statutory taxes, such as electricity duty shall be recoverable by the generating company on reimbursement basis. Accordingly, the Petitioner's claim is allowed. The beneficiary is required to pay electricity duty on auxiliary consumption or any other such levy by the State Government on actual basis. However, these charges shall be limited only to the proportion of quantum of power purchased by CSPDCL.

Reimbursement of WRLDC Fees and Charges

Petitioner's Submission

59. The Petitioner requested the Commission to approve the reimbursement of WRLDC Fees and Charges which have been actually paid by the generating company to the extent of 5% share of CSPDCL.

Respondent's Submission

60. The Respondent has submitted that the Petitioner has not provided any data with respect to the WRLDC Fees and Charges. It is further

submitted that submitted that reimbursement of WRLDC Fees and Charges shall be as per MYT Regulations, 2021 subject to 5% of net power supplied by Petitioner to Respondent.

Commission's View

61. In reply to the Respondent's submission regarding reimbursement of WRLDC fees and charges, the Petitioner has submitted that the Respondent CSPDCL has submitted that there is no provision in the PPA for recovery of WRLDC fees and charges. In this regard, it is submitted that WRLDC charges are levied by WRLDC on generating stations and sellers in proportion to their installed capacity (MW). In the present case, WRLDC raises bills for the Petitioner's installed capacity of 1370 MW (2×685 MW units), which the Petitioner has been regularly paying on a monthly basis. Since the Petitioner is obligated to supply 5% net power at the outgoing gantry of the 400 kV bus of the project switchyard, the corresponding WRLDC charges attributable to CSPDCL's 5% share in the installed capacity are required to be reimbursed by CSPDCL, irrespective of whether power is scheduled on a short-term, medium-term or long-term basis, as the charges are levied based on installed capacity. The Petitioner has further submitted that the Commission, vide its orders in Petition Nos. 67/2020, 90/2023, 92/2023, 71/2024 and 72/2024 has already decided that as per applicable Regulations, the CSPDCL is mandated to pay load dispatch centre charges on actual basis for the share of power purchase from Petitioner.

62. As per applicable Regulations, the Respondent CSPDCL is mandated to pay load dispatch center charges on actual basis for the share of power purchased from Petitioner. Hence, the Commission is of the view that Load Dispatch Centre charges paid by the Petitioner shall be pass through on reimbursement basis.

Issue of reimbursement of Petition filing fees

Petitioner's Submission

63. The Petitioner has prayed for reimbursement of petition filing fee.

Respondent's Submission

64. Respondent has not submitted anything in relation to filing fees and expenses.

Commission's View

65. We have considered the claim of the Petitioner for reimbursement of filling fee and allowed them to recover the petition filling fee in accordance with the clause no. 82 of the CSERC MYT Regulations, 2021, which is as under;

> ***"The application filing fee and the expenses incurred on publication of notices in the application for approval of tariff, be allowed to be recovered by the generating company or the transmission licensee/STU or the distribution licensee, as the case may be, directly from the beneficiaries or the transmission customers, as the case may be:"***

In the light of the aforesaid provision, the claim of Petitioner is allowed. Accordingly, the Petitioner is at liberty to recover the said amount from the beneficiary i.e. CSPDCL.

Issue of recovery of carrying cost/holding cost

66. Regulation 32 and 26.4 of the CSERC MYT Regulations, 2021, provides for computation of applicable rate of carrying cost. The same are given below:

"32 The Commission shall compute carrying cost holding cost as the case may be for a particular year, at the rate equal to the rate of interest rate as allowed for computation of Interest on Working Capital Loan for the said year."

"26.4 Interest on working capital shall be estimated at the rate equal to the Marginal Cost of Fund based Lending Rate (MCLR - one year tenor) of State Bank of India plus 200 basis point prevailing on 30th September of current financial year. During truing-up, the interest on working capital shall be computed at an average actual sanctioned rate of interest during the year."

67. In view of the above, for the computation of carrying cost, the Petitioner was directed to submit the details of the actual working capital loans availed during FY 2024-25 as additional information along with supporting documents for prudent check. The Petitioner in its reply has submitted that it has met the working capital requirement through internal resources.

68. As the petitioner has not availed actual working capital loan for FY 2024-25, therefore, the Commission decides to allow the petitioner to recover carrying cost or to pay holding cost, as the case may be, at a rate equal to normative interest rate i.e. SBI MCLR plus 200 basis point as per Regulation 26.4 of MYT Regulations, 2021. As this petition was filed timely, the carrying cost, if any, will be recoverable from the day amount became due. Holding cost, if any, will be paid from the date it became due. These costs should be computed in line with the computations done by the Commission while passing the tariff orders for State Power Companies.

69. **Summary of truing up of energy charge rate of FY 2024-25**

(i) Considering the gains and losses with respect to normative parameters, ex-bus energy charge rate for FY 2024-25 shall be Rs 3.022 per kWh as against the Petitioner's claim of Rs. 3.214 per kWh.

(ii) During scrutiny the Commission has observed that the Petitioner has supplied approximately 3.50% of net generated energy during FY 2024-25.

70. We order accordingly.

Sd/-	**Sd/-**
(Ajay Kumar Singh)	**(Vivek Ganodwale)**
Member (Tech)	**Member (Law)**